

OFFICIAL COPY

Fresno, California

August 20, 2002

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager  
Dan Fitzpatrick, Agency Executive Director  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

President Perea advised Fresno Metropolitan Flood Control District Manager Doug Harrison was very ill and dedicated the day to him and asked that he be in our prayers.

Pastor Rod Suess, Butler Avenue Mennonite Brethren Church, gave the invocation, and President Perea led the Pledge of Allegiance to the Flag.

PRESENTATION COMMEMORATING THE FIRST ANNUAL 9-11 AND FIRE AND POLICE SLOW PITCH SOFTBALL GAME - COUNCILMEMBER QUINTERO

PRESENTATION ON "CHILDREN COUNT - REPORT CARD ON THE WELL BEING OF CHILDREN IN FRESNO COUNTY"

Presentations made.

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The City Council recessed at 8:57 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JULY 30, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Agency Minutes of July 30, 2002, approved as submitted.

**(A) ROEDING BUSINESS PARK REDEVELOPMENT PROJECT PLAN AMENDMENT -  
RECOMMENDATION TO POSTPONE DECISION PENDING FURTHER REVIEW; NEW PUBLIC HEARING  
TO BE NOTICED**

President Perea recused himself from the proceedings and left the meeting at 8:58 a.m. Director Fitzpatrick advised a number of written and oral comments had been received and recommended Council and Agency postpone action for 90 days to allow staff time to review and address all the issues. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon question of Councilmember Ronquillo, Mr. Fitzpatrick stated no one was being considered as a master developer for the project, and Councilmember Quintero requested staff provide a list of current RDA projects including if prevailing wages were being paid.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, action on the amendment to the Roeding Business Park Redevelopment Plan postponed 90 days and a new public hearing to be duly noticed, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None
Recused	:	Perea

**UNSCHEDULED ORAL COMMUNICATIONS:**

**APPEARANCE BY BARBARA HUNT REGARDING INCURRING ADDITIONAL DEBT**

Appearance made.

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The joint bodies adjourned their meeting at 9:05 a.m. and the City Council reconvened in regular session.

**APPROVE CITY COUNCIL MINUTES OF JULY 30, 2002**

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of July 30, 2002, approved as submitted.

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**APPROVE AGENDA:**

**(5-C) DIRECT CITY ATTORNEY TO AMEND THE CARD ROOM ORDINANCE TO ALLOW FOR "TILES"  
TO BE ADDED TO PAI-GOW - COUNCILMEMBER QUINTERO**

Removed from the agenda by Councilmember Quintero.

**(5-B) RESOLUTION - SUPPORTING THE FUTURE PLANNING OBJECTIVES OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT - COUNCILMEMBER DUNCAN**

Councilmember Duncan advised he omitted some information and laid the matter over one week.

**(5-E) RESOLUTION - RESPECTFULLY REQUESTING RECONSIDERATION OF STATE CENTER COMMUNITY COLLEGE'S SITE SELECTION FOR ITS WILLOW AND INTERNATIONAL CAMPUS - COUNCILMEMBER BOYAJIAN**

Upon the request of Councilmember Duncan the matter was set for 3:00 p.m. this date for citizen convenience.

**DIRECT STAFF TO SCHEDULE ON THE SEPTEMBER 24<sup>TH</sup> AGENDA: "DISCUSSION/DIRECTION TO STAFF REGARDING COMMUNITY FACILITIES DISTRICTS PROCESS AND CHARGES" - COUNCILMEMBER DUNCAN**

Direction made.

**(5:00 P.M. #2) ADOPT NEW RULE PROHIBITING THE SPENDING OF COUNCIL INFRASTRUCTURE DOLLARS ON NON-CAPITAL INFRASTRUCTURE PROJECTS, AND ELIMINATING THE COMMUNITY SUPPORT LINE ITEM AND RE-ALLOCATING THOSE DOLLARS BACK INTO COUNCIL INFRASTRUCTURE BUDGETS - COUNCILMEMBER DUNCAN**

Acting President Castillo stated the issue had been discussed in the past and already been voted upon, and made a motion to table the issue for six months to allow the new Council to make a decision on the issue.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the subject issue tabled six months, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Duncan
Absent	:	None

**POLICE DEPARTMENT'S ROLE WITH THE PARKS AND RECREATION DEPARTMENT - COUNCILMEMBER CALHOUN**

Councilmember Calhoun advised he would be asking staff to address the issue on August 27, 2002.

**REQUEST "RED TAG" ITEMS BE STOPPED - COUNCILMEMBER CALHOUN**

Request made with Councilmember Calhoun stating Council was seeing a flurry of red tag items.

**(5-F) \* RESOLUTION - AMENDING THE AAR 2002-216 TO MATCH FUNDS FOR THE IMPROVEMENT PROJECT ON GOLDEN STATE, EAST AVENUE AND JENSEN AVENUE ORIGINALLY ADOPTED BY COUNCIL ON JULY 30, 2001 (FOUNDRY PARK PROJECT) - COUNCILMEMBER RONQUILLO**

Set for 5:30 p.m. this date at the request of Councilmember Ronquillo.

On motion of Councilmember Ronquillo, seconded by Acting President Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1-A) RESOLUTION NO. 2002-259** - APPROVING PARTICIPATION IN THE FEDERAL EQUITABLE SHARING AGREEMENT PROGRAM FOR THE DISPOSITION OF FUNDS FORFEITED IN CONNECTION WITH A CRIME, AND AUTHORIZING THE CITY MANAGER AND CHIEF OF POLICE TO EXECUTE NECESSARY DOCUMENTS

**(1-B)** AFFIRM APPOINTMENT OF ERIC TOBIAS TO THE NORTHEAST AREA PLAN AND IMPLEMENTATION COMMITTEE - MAYOR AUTRY

**(1-D) RESOLUTION NO. 2002-260** - AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE 21<sup>ST</sup> DISTRICT AGRICULTURE ASSOCIATION TO PROVIDE POLICING AND LAW ENFORCEMENT SERVICES AT THE 2002 FRESNO DISTRICT FAIR

**(1-H)** AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH W. SOLUTIONS, INC., A HEALTH PROMOTION COMPANY, FOR THE PURPOSES OF ESTABLISHING A FITNESS PROGRAM FOR THE POLICE DEPARTMENT

**(1-J)** APPROVE THE SALE OF CITY LAND AT THE SOUTHEAST CORNER OF SAN JOAQUIN AND BROADWAY STREETS TO PETER L. AND SANDRA V. RETA FOR THE PRICE OF \$52,700, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE NECESSARY SALE AND ESCROW DOCUMENTS TO COMPLETE THE TRANSACTION INCLUDING THE PURCHASE AGREEMENT AND GRANT DEED WITH THE RETENTION OF AIRSPACE OVER THE SITE

**(1-K)** ADOPT RESOLUTION OF INTENTION NO. 1022-D SETTING A PUBLIC HEARING FOR SEPTEMBER 17, 2002, AT 10:00 A.M. ON THE VACATION OF CLARK STREET AND THE CLARK-DIANA ALLEY BETWEEN DIVISADERO AND MCKENZIE AVENUES, ILLINOIS AVENUE BETWEEN DIANA AND FRESNO STREETS, AND ALL THE STREETS AND ALLEYS BETWEEN CLARK AND FRESNO STREETS FROM ILLINOIS TO MCKENZIE AVENUE

**(1-L)** ADOPT RESOLUTION OF INTENTION NO. 1029-D SETTING A PUBLIC HEARING FOR SEPTEMBER 17, 2002, AT 10:15 A.M. TO VACATE A RELINQUISHED RIGHT-OF-WAY ALONG THE WEST SIDE OF FREEWAY 168 BETWEEN RIALTO AND SAN GABRIEL AVENUES

**(1-M) RECEIVE RESULTS OF REGISTERED VOTER ELECTION TO APPROVE THE LEVYING OF A SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 6**

**1. RESOLUTION NO. 2002-261 - DECLARING THE ELECTION RESULTS**

**2. HOLD ANOTHER ELECTION ON JULY 10, 2003, TO OBTAIN APPROVAL FOR THE LEVYING OF A SPECIAL TAX FOR LANDSCAPE MAINTENANCE FOR THIS DISTRICT**

**(1-N) APPROVE REAPPOINTMENTS OF DARIUS ASSEMI AND FRANK FRANCO TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT - MAYOR AUTRY**

**(1-O) RESOLUTION NO. 2002-262 - APPROVING THE SUBMITTAL OF AN APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA), AN OPERATING ADMINISTRATION OF THE U.S. DEPARTMENT OF TRANSPORTATION, FOR GRANT FUNDS TO CONDUCT EMERGENCY PREPAREDNESS DRILLS, AND AUTHORIZING THE TRANSIT GENERAL MANAGER AND DESIGNEE(S) TO EXECUTE ALL NECESSARY GRANT DOCUMENTS ON BEHALF OF THE CITY**

**1. \* RESOLUTION NO. 2002-263 - 11<sup>TH</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$25,000 OF THE 2002 FTA EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FUNDS FOR EMERGENCY DRILL EXPENSE REIMBURSEMENTS**

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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City Manager Hobbs stated an article was published in the Fresno Bee on Skywatch which contained quotes by him which may have embarrassed Council and explained, and clarified they were not supposed to be part of the interview and were off-handed and apologized to Council.

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**(9:00 A.M.) RESOLUTION - IN SUPPORT OF THE BUSINESS, INDUSTRY AND GOVERNMENT (BIG) COALITION OF THE SOUTH SAN JOAQUIN VALLEY - MAYOR AUTRY**

Mayor Chief of Staff White stated at issue was the City joining and becoming a member in the BIG Coalition; gave an overview of the organization and its purpose; advised there would be no cost to the City and the Mayor felt this would be another way to collaborate with other cities and focus on interests and problems of the San Joaquin Valley; and advised Bob Keenan, a founding member, was present to answer any questions. Mr. Keenan expanded further on BIG **(2 - 0)** and why it was formed.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; Kevin Hall, representing the Sierra Club Tehipite Chapter, who stated there was not enough information and expressed concerns; and Jeff Harris, Building Industry Association, who spoke in support of the City joining.

Discussion ensued with Councilmember Ronquillo speaking in support of joining stating this was a great opportunity for the City; Councilmember Boyajian speaking in opposition stressing education and labor were not involved and he saw no collaboration; and Councilmember Calhoun expressing concerns relative to BIG's positions and there not being enough information, and making a motion to table.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the matter tabled to September 17, 2002, for additional information and a presentation by the Mayor, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero
Noes	:	Duncan, Ronquillo, Perea
Absent	:	None

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**(9:30 A.M.) REQUEST STATUS AND RELEASE OF \$250,000 TO THE FRESNO-MADERA AREA AGENCY ON AGING PER FISCAL YEAR 2002 APPROVED APPROPRIATION FOR REHABILITATION AND EXPANSION OF THE FRESNO SENIOR CENTER - COUNCILMEMBER QUINTERO**

Deputy City Manager Haynes responded to questions of Councilmember Quintero relative to whether FMAAA had submitted a renovation plan as requested by Council and if staff was comfortable with the information received. Councilmember Quintero made a motion to release the funds to FMAAA.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Discussion ensued with President Perea and Councilmembers Ronquillo, Boyajian, Castillo and Quintero commenting on the issue, expressing concerns, and/or presenting questions relative to square footage of the multi-purpose room, the original goal three to four years ago being a center which should have been opened by now, seniors not having the luxury of time, need to look at building centers at city parks if the City is serious about their commitment to seniors, need to move forward in smart ways, ability to identify future funding, acquiring real estate in the area for outdoor activities, when the center will open, payments to be made, when the center will be fully operational, the Phases and what is involved, fund-raising efforts and concern with lack of set goals, need to complete the project as soon as possible, if financing was in place, the business plan, and when the grand opening/open house would be held. Councilmember Quintero encouraged everyone to visit the center.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the release of \$250,000 to the Fresno-Madera Area Agency on Aging for the rehabilitation and expansion of the Fresno Senior Center hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(9:45 A.M.) CITY UTILIZATION OF SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) HEAVY DUTY ENGINE INCENTIVE PROGRAM**

1. APPROVE AN AGREEMENT TO RECEIVE FUNDS FROM THE SJVAPCD HEAVY DUTY ENGINE INCENTIVE PROGRAM
2. AWARD A REQUIREMENTS CONTRACT FOR FRONT LOADING REFUSE TRUCKS
3. AWARD A CONTRACT FOR TWO (2) REAR LOADING REFUSE TRUCKS

**(3 - 0)** General Services Director Nerland reviewed the issue, recommendations, and actions being requested, all as contained in the staff report as submitted.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, support; and Gloria Torrez, opposed, who spoke to the need for clean air diesel buses and eliminate politics.

Mr. Nerland responded to questions and/or comments of Councilmembers Calhoun, Boyajian and Duncan relative to why there was only one bidder for the front loading refuse trucks, if staff had any concerns that only one responded, the debate last year on CNG vs. clean diesel and how long staff knew of the conversion to alternative fuel vehicles, what happens to the trucks being replaced, if an analysis is conducted on leasing vs. purchasing vehicles, if staff was satisfied with the company selected, if the vehicles being purchased will be desirable for resale, if efficiency and maintenance costs are considered, and how staff determines the best purchase deal.

Councilmember Duncan made a motion to approve staff's recommendations, which motion was seconded by Councilmember Calhoun. Councilmember Ronquillo requested the three matters be voted upon separately. Upon question of President Perea, Mr. Nerland, Assistant City Manager Souza, and Jeff Finley, SJVAPCD stated the funds could be received without awarding the contracts this date, and Mr. Nerland spoke to the need to purchase the trucks. Councilmember Ronquillo expressed his concern was the lack of competition on the front loading trucks, spoke to the need to insure the City gets the best equipment for the long terms, and recommended staff rebid the project to insure the best price and equipment.

Steven Bradshaw, Smart Truck Systems (STS), and the Chairman of STS spoke in support of their truck systems and the ability of other companies to provide the equipment.

Discussion ensued with Mr. Nerland, City Attorney Montoy, Public Utilities Director McIntyre and Mr. Souza responding to questions of Councilmembers Quintero and Boyajian relative to whether staff engaged in discussion with STS, if Council could give direction to meet with STS, issues and actions being requested this date, the one bidder and the bid process, if the lowest bidder had to be accepted, adding difference criteria if the front loading trucks project is put out for rebid, how the value and long term performance variables would be taken into account, recommendation to award as recommended and staff developing performance based life cycle driven specifications for the future, if staff felt STS's position was relevant, timeframe to rebid, if a delay would be detrimental to the City **(4 - 0)**, the rebidding process taking 3 months and the development of criteria taking 9 months, cost to the City with a 9 month delay, penalty and consequence of not replacing the trucks, mandated changes, if life cycle could be added to the current criteria, concern with a 9 month delay but need to look at the bigger picture, concern that the matter is now presented as critical time wise, and commendation to Mayor and Council for going to CNG/LNG.

1. APPROVE AN AGREEMENT TO RECEIVE FUNDS FROM THE SJVAPCD HEAVY DUTY ENGINE INCENTIVE PROGRAM

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the General Services Director authorized to enter into an agreement with the San Joaquin Valley Air Pollution Control District to receive \$778,991 to be used to mitigate the incremental cost of 30 LNG-powered refuse trucks, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

## **2. AWARD A REQUIREMENTS CONTRACT FOR FRONT LOADING REFUSE TRUCKS**

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to award a requirements contract for Section A, front loading refuse trucks, with LNG engines, which afford significant reductions in NOx emissions, to Central Valley Truck Center in the amount of \$1,247,489.16 for the combination of the Autocar LLC, Xpeditor WXL64 chassis with the Amrep Elliptical 38-40 cubic yard body failed, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan
Noes	:	Castillo, Quintero, Ronquillo, Perea
Absent	:	None

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the bid received for front loading refuse trucks hereby rejected, by the following vote:

Ayes	:	Castillo, Quintero, Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Duncan
Absent	:	None

## **3. AWARD A CONTRACT FOR TWO (2) REAR LOADING REFUSE TRUCKS**

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to award a contract for Section A for two rear loading refuse trucks with LNG engines, which afford significant reductions in NOx emissions, to Central Valley Truck Center in the amount of \$324,593.72 for the combination of the Autocar LLC, Xpeditor WX64 chassis with the McNelius Model 2510 body failed, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan
Noes	:	Castillo, Quintero, Ronquillo, Perea
Absent	:	None

Ms. Montoy and McIntyre responded to questions of President Perea relative to whether there was any way to shorten the 9 month criteria development process by privatizing. Ms. Montoy advised the bids for the rear loading trucks would have to be rejected and pointed out four bids had been received, unlike the front loading trucks, with Councilmember Calhoun concurring stating the issues were not the same.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the award of a contract for two rear loading refuse trucks approved for reconsideration, by the following vote:



Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

On motion of Councilmember Duncan, seconded by Councilmember Calhoun duly carried, RESOLVED, a contract for Section A for two (2) rear loading refuse trucks with LNG engines, which afford significant reductions in NOx emissions, hereby awarded to Central Valley Truck Center in the amount of \$324,593.72 for the combination of the Autocar LLC, Xpeditor WX64 chassis with the McNelius Model 2510 body, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

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**RECESS - 11:07 A.M. - 11:20 A.M.**

**(11:15 A.M.)** HEARING ON CONDITIONAL USE PERMIT NO. C-02-110 AND VARIANCE APPLICATION NO. V-02-015, FILED BY M. L. STREET PROPERTIES, FOR A PROPOSED 11-STORY OFFICE BUILDING AND 8-STORY PARKING STRUCTURE LOCATED ON THE SOUTHWEST CORNER OF “M” AND KERN STREETS (DISTRICT 3)

**1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. C-02-110 AND V-02-015**

**2. RESOLUTION NO. 2002-264 - APPROVING CUP NO. C-02-110 AND VARIANCE APPLICATION NO. V-02-015**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach noted this was a conceptual plan and minor changes would be made, advised Caltrans’ concerns would be addressed through the process, and recommended approval.

Councilmember Ronquillo spoke in support stating this was a premium project for downtown and commended the developer, and made a motion to approve staff’s recommendation.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; and Tom Richard, M. L. Street Properties, who requested Council’s support.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Boyajian stated he supported the project but had concerns with traffic impacts, commented on the issue and along with Councilmember Duncan presented questions relative to whether there was any plan for developers to pay for traffic flow improvements, need for developers to pay impact fees, the reality of traffic problems downtown, need for the City to take control and point fingers, and how Measure “C” would help with downtown challenges.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the Mitigated Negative Declaration for Conditional Use Permit No. C-02-110 and Variance Application No. V-02-015 hereby approved, and the above entitled Resolution No. 2002-264 approving the CUP and Variance hereby adopted, subject to the conditions of approval listed in the staff report, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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#### **(10:00 A.M.) WORKSHOP AND DIRECTION REGARDING SOLID WASTE TRANSFER STATION**

Public Utilities Director McIntyre gave a power point presentation on the workshop which included the general description of transfer stations, cost savings, history of transfer stations in the city, the RFP process, and discussions with the solid waste industry.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and expressed concerns.

Councilmember Ronquillo spoke to the issue and in support of a transfer station citing the benefits to the City and stated it should have been done a long time ago and elaborated. Councilmember Duncan spoke to the economic environment and Mr. McIntyre clarified issues and responded to questions relative to how competitive markets were defined, how vulnerable the City would be to agreement changes due to economics, **(5 - 0)** number of companies in the permitting process, if the companies were depending on contracting with Fresno, the companies presenting good alternatives/competition, and request that the final November report include an economic analysis.

Councilmember Duncan made a motion to approve staff's recommendation and Councilmember Ronquillo seconded the motion with the modification that staff report back *sooner* than November. Discussion ensued on the amount of time needed by staff, Councilmember Ronquillo requested staff report back in October stating it was critical that a decision take place soon to get construction going, and Mr. McIntyre, City Manager Hobbs and City Attorney responded to questions process. The motion was amended to have a report back on November 5<sup>th</sup> with a status report in early October (the 1<sup>st</sup> or 8<sup>th</sup>).

Councilmember Boyajian questioned where the industry was and why they were not commenting this date stating that was why the workshop was set, and along with Councilmembers Ronquillo, Calhoun, Castillo and President Perea commented additionally on the issue, expressed concerns, and/or presented questions relative to the dirty murf process, contamination and costs, diversion markets for various materials, if a private company would build a facility and provide the service, contract criteria, illegal dumping and possibility of having a self-haul feature/facility, need for a direct self-haul option with possible City subsidy, Councilmember Calhoun expressing concern with the matter being rushed, if staff felt the early October and November dates were reasonable, the issue not being a new one, past neighborhood opposition putting the issue aside, if AB 939 compliance would be included in the RFP, time savings being first with a station and diversion second, need to work contract details out, this being a multi-million dollars issue and a major change in direction, current distance to the landfill, the geographical location of a transfer

station being known for the RFP to work, who the competitors were, number of additional competitors that could possibly respond, and this not being a difficult task for staff, with Mr. McIntyre and Mr. Hobbs responding. Councilmember Ronquillo reiterated he was pushing the issue to show the ratepayers Council was doing all it could, and Acting President Castillo stated the timeline was too long.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to prepare an RFP for the development of a transfer station, return with a status report on October 1<sup>st</sup> or 8<sup>th</sup>, and return with a report and recommendation on the RFP on November 5, 2002, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	Castillo
Absent	:	None

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**(10:30 A.M.) HEARING TO CONSIDER AMENDING RESIDENTIAL PERMIT PARKING DISTRICT NO. 3 TO INCLUDE THE EAST SIDE OF BARTON AVENUE FROM HUNTINGTON BOULEVARD TO TULARE STREET**

**1. RESOLUTION NO. 2002-265 - AMENDING RESIDENTIAL PERMIT PARKING DISTRICT NO. 3**

A motion and second was made to adopt the resolution.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Calhoun questioned what the parking situation would be citing concerns expressed by a couple of his constituents on the inability to get to University Medical Center, with Councilmember Quintero and Transportation Manager Made responding. Councilmember Ronquillo stated businesses need to understand that they need to provide parking for their employees.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-265 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**LUNCH RECESS - 12:37 P.M. - 2:06 P.M.** Councilmember Ronquillo arrived later.

**(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1-G) REJECT ALL BIDS FOR INSTALLATION OF CITY-OWNED PULSE BOILERS**

An unidentified staff member, City Manager Hobbs, and Assistant City Manager Souza responded to concerns and questions of Acting President Castillo relative to Council being told there would be no additional installation costs and why Council wasn't told about the \$170,000 cost **(6 - 0)**.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, Excelsior Metals, Inc., determined non-responsive to the specifications, and all bids received for the installation of pulse boilers at Fresno Yosemite International Airport hereby rejected and staff directed to rebid the project, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

**(1-B) \* RESOLUTION NO. 2002-266 - 10<sup>TH</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$407,300 IN GRANT FUNDS FROM THE U.S. DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE TO REHABILITATE THE FINK-WHITE PLAYGROUND**

Councilmember Calhoun acknowledged and complimented staff on the major and for all their great work and efforts, and upon his request Parks and Recreation Director Primavera spoke to the importance of the grant funds and advised of the major improvements that would be made.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-266 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

**(1-F) \* RESOLUTION NO. 2002-267 - AUTHORIZING THE 20<sup>TH</sup> EXPANSION OF THE FRESNO ENTERPRISE ZONE ADDING 10.3 ACRES FOR BEL HAVEN CARE LLC, MID STATE BOWL AND ALBINO CONCRETE**

Councilmember Calhoun stated the Enterprise Zone (EZ) was an important tool with limited acreage, cited the lack of information in the staff report on Mid State Bowl and Albino Concrete, and questioned how the properties fit into the "scheme of things", what criteria was used for the properties, process for Council members to designate properties, if Bel Haven was currently in business, if the Golden State corridor could be designated, if there was a strategic plan on the remaining acreage, and if staff could be directed to report back with a plan, with Councilmember Boyajian and HECD Director Burkhardt responding. Councilmember Ronquillo arrived at 2:33 p.m. Councilmember Duncan commented on the issue and questioned the timeframe for Bel Haven's 55 new jobs, expressed concern with EZ policy shifting from economic benefit to blight removal, requested future EZ items not be placed on the consent calendar, and requested a plan be developed on how the remaining 98 acres will be allocated. Councilmember Ronquillo concurred with the need for a plan and spoke in support of dedicating the balance of the acreage to properties where infrastructure is already in place and explained.

Councilmember Calhoun stated he wanted to see broader thinking and made a motion to lay this matter over to September 17<sup>th</sup> to be considered in context with a strategic plan for the remaining EZ and how it fits in with the RDA and Empowerment Zone, which motion was seconded by Acting President Castillo and later amended.

Councilmember Boyajian and Christy Baker, representing Bel Haven, spoke in support of the issue, advised of the benefits of being included in the EZ, responded to questions relative to Bel Haven's financial investment to date, how long the property had been vacant, if area residents would be hired, and the number of people who would reside there. Councilmember Duncan requested the motion-maker separate the motion and approve the resolution this date as requested and direct staff to return with a report so Bel Haven's bank loan would not be held up. Councilmember Calhoun stated it was fair to have something "dropped in our lap" and act just because someone had to meet a bank loan and did not accept the amendment. Acting President Castillo stated he was going to make the same request as Councilmember Duncan and withdrew his second. Upon call, Councilmember Calhoun's original motion died for lack of a second.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Acting President Castillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2002-267 hereby adopted, and staff to provide by tray memo a plan and criteria on the use of the remaining Enterprise Zone acreage, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

**(1-I) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A CONTRACT WITH THE CENTRAL UNIFIED SCHOOL DISTRICT TO PROVIDE A SCHOOL RESOURCE OFFICER FOR CENTRAL HIGH EAST CAMPUS AND CERTAIN MIDDLE SCHOOLS WITHIN THE DISTRICT**

Removed from the agenda by staff/to be rescheduled.

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Councilmember Ronquillo left the dais at 2:53 p.m and returned later in the meeting.

**(3-B) \* RESOLUTION NO. 2002-268 - 16<sup>TH</sup> AMENDMENT TO AAR 2002-216 RE-BUDGETING VARIOUS COUNCIL DISTRICT INFRASTRUCTURE CARRYOVER PROJECTS BASED ON THE COMMITTED BUT UNEXPENDED BALANCES IN THE FY 2002 INFRASTRUCTURE BUDGETS**

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-268 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(3-C) ADOPT REVISED CITY OF FRESNO DEFERRED COMPENSATION PLAN DOCUMENT INCORPORATING REVISIONS OF INTERNAL REVENUE CODE SECTION 457 PURSUANT TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 (EGTRRA) AND COMPOSITION OF DEFERRED COMPENSATION COMMITTEE**

Retirement Administrator McDivitt advised this was a recommendation of the Deferred Compensation Committee and reviewed the issue as contained in the staff report as submitted.

Sandra Brock, P.O. Box 8074, Squaw Valley, speaking as a Deferred Comp participant, distributed written material to Council and requested the committee be enlarged to 5 to 7 members, that it be clear that the plan only be amended by Council, and that the committee have the duty to notify Deferred Comp participants of meetings.

City Attorney Montoy responded to questions of President Perea relative to how Ms. Brock's recommendations could be implemented, whereupon President Perea made a motion to approve the issue with the addition of the amendments made by Ms. Brock, which motion was seconded and later amended and acted upon.

City Manager Hobbs stated he wanted an opportunity to review and respond to Ms. Brock's recommendations, and added he has been on record before and he was still in support of opening up the Deferred Comp Program to other providers and explained. Councilmember Calhoun stated he wanted the City Manager to review and report back on the recommendations **(7 - 0)** and he was not prepared to support the motion at this time because he did not understand the implications of it and requested the motion-maker allow staff the time to review and report back. Ms. Montoy advised the two issues could be separated and recommended the plan recommendations be approved to comply with Federal legislation and that the revisions be continued to a future meeting to allow the city manager's input, whereupon President Perea amended his motion. Brief discussion ensued with Mr. Hobbs speaking further on the need to seriously review the issue of committee composition and not rushing to judgment and explained.

On motion of President Perea, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the Deferred Compensation Plan Document attached to the staff report hereby approved, *excepting the composition of the Deferred Compensation Committee*, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(3-E) ADOPT SUCCESSOR LABOR AGREEMENT BETWEEN THE CITY OF FRESNO AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS, LOCAL 30 UNIT (LOCAL 39) COVERING THE PERIOD JULY 1, 2001, TO JUNE 30, 2004**

A motion and second was made to approve staff's recommendation. Labor Relations Manager Aguiniga responded to questions of President Perea relative to agreement retroactive date and why the health insurance issue could not be effective immediately.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Calhoun expressed his concern with the six month retroactivity stating it was not good practice, it may send a message to other units that it is ok. to prolong negotiations and explained, and stated he supported the other aspects of the contract but could not support the retroactivity.

Upon question of Councilmember Quintero, John Davis, representing the Blue Collar Non-Supervisory Unit, Local 39, confirmed the agreement was ratified by Local 39 membership and there were no outstanding issues. Councilmember Boyajian stated everything had already been agreed to in closed session and the item should have been placed on the consent calendar. City Attorney Montoy clarified the effective date for Health & Welfare was September 1<sup>st</sup> and not the 20th.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the successor labor agreement hereby approved, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Perea
Noes	:	Calhoun
Absent	:	Ronquillo

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**(5-E) RESOLUTION NO. 2002-269 - RESPECTFULLY REQUESTING RECONSIDERATION OF STATE CENTER COMMUNITY COLLEGE'S SITE SELECTION FOR ITS WILLOW AND INTERNATIONAL CAMPUS, AS AMENDED**

Councilmember Boyajian spoke to the issue at length and spoke in opposition to the Willow/International (W/I) location citing lack of bus service, lack of discussions with city staff or Council members, student differentiation, traffic impacts, ignoring other sites, another site better serving the people, building in a prime area, contributing to air quality problems, need for a sound vision for the inner-city, and option of expanding the current campus.

Speaking to the issue were: Chancellor Judith Redwine, Patrick Patterson, Board Trustee, and Dr. Ned Daffney, President, Fresno City College, all in support of the site; Barbara Hunt, 2475 S. Walnut; Kevin Hall, Sierra Club Tehipite Chapter, who spoke to the need to address CEQA issues; and Norman Pimentel.

Councilmembers Calhoun and Duncan (**8 - 0**) spoke in support of the chosen site, and City Attorney Montoy and Planning & Development Director Yovino responded to questions and comments of Councilmember Boyajian relative to the issue being land use, if the area was zoned agricultural, how the SCCCDD could come in with a different use, how far the campus would be from Copper River, number of acres for the campus, number of students, and negative impacts. A motion and second to approve the resolution was made and later acted upon.

Lengthy discussion ensued with Ms. Redwine, Mr. Patterson, Mr. Yovino, Mayor Chief of Staff White, and City Manager Hobbs clarifying issues and/or responding to questions/comments/concerns of Acting President Castillo and President Perea relative to what the bond measure was expected to raise and if part would be used as a match, concern with the statement that the site was chosen "where the need was greatest", the Madera site being "pretty empty", other questions related to the Madera site, if the consultant considered impacts with the W/I site, when the consultant study was completed, if Fresno's new general plan was taken into consideration, southeast Fresno not having the population to serve a campus *at this time*, what Clovis was planning to build across on their side of Willow,

Clovis' Southeast Village population serving a southeast campus, Clovis' buildout, need for a southeast campus due to both Fresno and Clovis' growth, total acreage being purchased by the SCCCD, if a parking structure is being considered, the northeast site chosen mainly for the statewide bond, if Clovis was building a high school at the site, if Mayor Autry was aware a high school was planned next to the campus, Councilmember Boyajian expressing concern and reading a letter from Vice Chancellor Sharp to Caltrans stating mitigation measures would be infeasible if funding had to come from the SCCCD, continued questioning relative to earlier assumptions based on the 10Z plan, if the northeast campus was in conflict with the 2025 plan, where a new campus was shown in Clovis and Fresno's current general plans, concern with trying to move forward with the 2025 plan, concern with impact on the current campus **(9 - 0)**, a northeast campus not being beneficial to Fresno's long term plan to revitalize the inner city, clarification that the resolution is only asking to reconsideration the selection, and President Perea requesting the motion be amended to delete wording from the last sentence in the last paragraph of the Resolution, which amendment was accepted by the motion-maker. Mr. Hobbs distributed a letter from Mayor Autry to Chancellor Redwine stating his and requesting binding commitments, with Ms. Redwine confirming SCCCD's \$40 million commitment to Southeast Fresno.

On motion of Councilmember Boyajian, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-269 hereby adopted, *as amended, by deleting* the following words in the last paragraph of the Resolution: "*or utilize the proceeds of the sale of bonds to refurbish the eastern portion of the main Fresno City College Campus on East Weldon*", and placing a period after the word "site"(.), by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Perea
Noes	:	Calhoun, Duncan, Ronquillo
Absent	:	None

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### **(3-A) REVIEW AND RECOMMENDATIONS FOR THE UGM TRAFFIC SIGNAL AND FIRE STATION SERVICE AREA IMPACT FEES**

#### **1. REQUEST APPROVAL OF CONCEPTUAL COURSE OF ACTION TO ANALYZE AND REVISE UGM TRAFFIC SIGNAL AND FIRE STATION SERVICE AREA IMPACT FEES**

Engineering Assistant Kern gave an overview of the issue as contained in the staff report as submitted..

Joni Johnson, UGM Committee Member, spoke in support of the recommendations, and along with Assistant Public Works Director Williamson City Manager Hobbs clarified issues and/or responded to questions and concerns of Councilmember Boyajian relative to why 3 members of the BIA were on the committee, if comparisons were made with other cities, conceptual action being requested this date, staff being able to come back with other city comparables, and the key being a nexus analysis on what is being charged and relating that to costs. There was no further discussion and lacking a motion Assistant City Manager Souza stated staff could continue to proceed and return with fees to be established in September.

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### **(3:00 P.M.) APPEARANCE BY NORMAN PIMENTEL TO DISCUSS THE FRESNO HIGH NEIGHBORHOOD**

Appearance made; no action taken.

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**RECESS - 4:58 P.M. - 5:10 P.M.****(5-A) DIRECT STAFF TO CONTACT COUNTY AND STATE OFFICIALS TO IMPLEMENT A CAR POOLING EDUCATION PROGRAM - COUNCILMEMBER DUNCAN**

Councilmember Duncan gave a brief overview of the issue as contained in his report as submitted, and stated this would be a worthy effort and made a motion to approve his direction as outlined.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, staff directed to contact County and State officials to implement a car pooling education program, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5-D) DISCUSSION AND DIRECTION TO STAFF REGARDING EXTENSION OF LOW-INCOME RESIDENTIAL SOLID WASTE COLLECTION (\* AND WATER) DISCOUNT FOR MEMBERS OF THE DISABLED COMMUNITY - ACTING PRESIDENT CASTILLO**

Acting President Castillo corrected his item to include water as noted above, gave a brief overview of the issue stating Council failed to recognize the disabled community for the discount who fell in the low-income area, and made a motion to direct staff to study his request and report back, which motion was seconded and acted upon after brief discussion. City Manager Hobbs stated he had reservations with the request and recommended the issue be considered in FY 2004.

Councilmember Calhoun spoke in opposition stating numerous groups could make the same claim and also because it was very late in the FY 2003 budget cycle, and requested staff's input. Public Utilities Director McIntyre advised there could be approximately 55,000 people in the category and cautioned Council that the solid waste budget had already been pared down to the bare minimum margin necessary to keep from defaulting on the 939 compliance or the bonds and added this could not be done without a reduction in service.

On motion of Acting President Castillo, seconded by President Perea, duly carried, **RESOLVED**, staff directed to conduct a study and report back on extending the low-income residential solid waste and water discount to members of the disabled community, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Perea
Noes	:	Calhoun, Duncan, Ronquillo
Absent	:	None

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**(3:05 P.M.) APPEARANCE BY WILLIAM MILTON, SR. TO DISCUSS TWO BUS STOPS ON BLACKSTONE AVENUE**

Appearance made; no action taken.

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**(3:10 P.M.) APPEARANCE BY BARBARA HUNT TO DISCUSS VARIOUS ISSUES**

Laid over one week at Ms. Hunt's request.

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**(3-F) \* APPROVE TECHNICAL CORRECTION TO THE MASTER FEE SCHEDULE RES. 80-420 RELATING TO SOLID WASTE RATES**

Public Utilities Director McIntyre gave a brief overview of the issue as contained in the staff report as submitted, and along with City Manager Hobbs and City Attorney Montoy responded to questions of Acting President Castillo and/or clarified issues relative to the fees, specific action being requested and reason therefore, who uses 64-gallon containers, if the approved fees were now part of the budget, if the fees differential could be used to subsidize the disabled discount as discussed earlier, and this being a clerical error needing correction to reflect the rates adopted by Council.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the technical correction to the Master Fee Schedule relating to solid waste rates hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo
Noes	:	Castillo, Perea
Absent	:	None

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**(3-D) RESOLUTION NO. 2002-270 - PROVIDING FOR PAYMENT OF THE FULL SALARY FOR THE FIRST 30 CALENDAR DAYS OF THE NEW FISCAL YEAR FOR CITY EMPLOYEES ENGAGED IN THE PERFORMANCE OF ORDERED MILITARY DUTY SERVING DURING A CONTINUOUS DEPLOYMENT**

**(10 - 0)** President Perea and an unidentified staff member clarified this would provide the same type of benefit given to those that have been deployed for the past year.

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-270 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5:00 P.M. #1) REPORT AND ACTION TO FUND \$2.3 MILLION IN ADDITIONAL NEIGHBORHOOD PROJECTS**

**a. \* RESOLUTION - 15<sup>TH</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING AND ADJUSTING A TOTAL OF \$1,540,000 TO FUND VARIOUS NEIGHBORHOOD IMPROVEMENTS (OPTION 1 - STAFF RECOMMENDATION) - (FAILED ADOPTION)**

**b. \* RESOLUTION NO. 2002-271 - 14<sup>TH</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING AND ADJUSTING A TOTAL OF \$2,300,000 TO FUND VARIOUS NEIGHBORHOOD IMPROVEMENTS (OPTION 2 - COUNCIL AD HOC COMMITTEE RECOMMENDATION), AS AMENDED, FOR \$2.1 MILLION**

President Perea and City Manager Hobbs reviewed the background of the issue and the two options being presented. President Perea commended the Council committee for their work, stated he did not want to impact ADA compliance, and made a motion to approve Option 2, as amended, by reducing the amount to \$2.1 million and funding the \$200,000 ADA Infrastructure Compliance Project, which motion was seconded and later withdrawn.

Speaking in support of Option 1 to fund the Herndon/Coventry Court Trail Project were: Brad Hushaw, 7025-106 N. Pleasant, and Susan Blair-Dusi, 7025-121 N. Pleasant.

Councilmember Ronquillo advised citizens from his district would be speaking next in support of funding a project which would address flooding problems in the older area of Hughes and Olive; stated if the motion on the floor is not approved the project would be in jeopardy; and gave an overview of the areas problems.

Speaking in support of the motion/Option 2 were: Bill Warmuth, 2328 W. Hedges, who also distributed photographs of the problems in the area; and Esther Flores, 1575 N. Pleasant #102, on behalf of Jane Addams Elementary School.

Councilmember Calhoun requested clarification on the motion and amendment and questioned how he could speak to Option 1 and if it was legal or appropriate that a motion was made before discussion, with City Attorney Montoy responding. President Perea withdrew his motion on the floor. Councilmember Calhoun continued and spoke to the process, expressed concern that projects were being deferred at the tail end after being looked at and prioritized by Council members, spoke in support of Option 1 to move forward with the Coventry Court and ADA projects, and made a motion to approve Option 1 as recommended by staff stating it was a balanced proposal, which motion was seconded and later acted upon.

Councilmembers Boyajian and Ronquillo spoke in support of Option 2 citing the importance of neighborhood value and the need to address neighborhood flooding problems which affect children. Councilmember Duncan spoke in support of the motion/Option 1 stating promises were made and integrity was everything; commented on need for revenues and **(11 - 0)** advised of a self-assessment district program that would be started in his district; expressed concern that RDA was taking an \$800,000 hit in its cash flow this year stating it would have a devastating impact on downtown revitalization and explained; and spoke in support of funding Coventry Court.

Additional discussion ensued. Councilmember Ronquillo stated \$271,000 was allocated for curbs and gutters and clarified \$130,000 from his district was going into the project adding infrastructure budgets were not slush funds. Mr. Hobbs responded to Councilmember Duncan's comments clarifying there was no misrepresentation on RDA's dollars and explained, and added he did not agree it would have a devastating impact on the Mayor's 2010 Plan. Upon request of Assistant City Manager Souza, Streets Manager Dilley spoke to the funding for the Olive/Hughes project. President Perea clarified issues relative to the Coventry Court project, and stated Council was trying to increase opportunities to repair neighborhoods and spoke support of the process used stating it was a matter of choices and priorities.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to adopt Option 1 as recommended by Staff failed, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Absent	:	None

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-271 hereby adopted, as amended, for \$2.1 million with the \$200,000 specifically earmarked for the ADA project, and with the understanding that should the State not take \$1.7 million from the City that a minimum of \$100,000 from social service funding be allocated equally among the seven council districts to bring it to a \$2.2 million project, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Duncan
Absent	:	None

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**(5-F) \* RESOLUTION - AMENDING THE AAR 2002-216 TO MATCH FUNDS FOR THE IMPROVEMENT PROJECT ON GOLDEN STATE, EAST AVENUE AND JENSEN AVENUE ORIGINALLY ADOPTED BY COUNCIL ON JULY 30, 2001 (FOUNDRY PARK PROJECT) - COUNCILMEMBER RONQUILLO**

Councilmember Ronquillo and Dave Brodie, representing the developer, reviewed the background of the issue and issues that arose relative to the bond and match funds, and Mr. Brodie requested Council void the \$154,000 match requirement for the improvements. Councilmember Ronquillo spoke to the project stating it was the first major project where an old structure was redone, stated the improvements were made for safety reasons and to enhance the area, made a motion to amend the AAR as outlined above, which motion was seconded by Councilmember Duncan.

Speaking to the motion, City Attorney Montoy advised staff would need to report back in writing to not hold the developer responsible for the \$154,000 with findings. Mr. Brodie noted this was the second time the issue had been scheduled, stated there was no documentation showing the developer owned money and he did not know if there was anything to amend, and added \$10 million had already been invested. Ms. Montoy clarified the first issue relative to the bonds had been resolved administratively and that this second issue was a good faith disagreement and strongly recommended staff be allowed to bring back a report explaining the issues and positions of the City and Foundry Park. Upon the request of Councilmember Ronquillo, Agency Director Fitzpatrick advised of his recollections on the issue and brief discussion ensued with Mr. Brodie urging Council to give direction to staff to resolve the issue as they were still paying interest on two things, and Councilmember Ronquillo speaking in support of staff reporting back in one week with specifics. Councilmember Calhoun noted a signed memo existed where Mr. Brodie agreed to pay \$154,000 and stated the issue needed to be looked at. By Council consensus, staff to report back with specifics on both positions on August 27, 2002, at 3:00 p.m.

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**CLOSED SESSION:****(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

2. RIVERVIEW ESTATES V. CITY OF FRESNO
3. BLACKSTONE VENTURE I, BLACKSTONE VENTURE II, RIVER PARK PROPERTIES, RIVER PARK PROPERTIES II, RIVER PARK PROPERTIES III, RIVER PARK PROPERTIES IV, PARK 41, AND BOMBAY CORPORATION V. CITY OF FRESNO
6. KEVIN HAM V. CITY OF FRESNO CIVIL SERVICE BOARD, ET AL.

**(B) PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS:**

1. CITY ATTORNEY
2. CITY CLERK

**(C) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW)**

The above issues were not held.

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

1. FRESNO SUPREME V. CITY OF FRESNO AND RELATED CROSS ACTIONS
4. CITY OF FRESNO V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS
5. CITY OF FRESNO V. CITY OF CLOVIS, CITY COUNCIL OF THE CITY OF CLOVIS (PAYNTER REALTY AND INVESTMENTS, INC., DAVID PAYNTER - REAL PARTIES IN INTEREST)

**(C) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: FRESNO AIRPORT PEACE OFFICERS/FIREFIGHTERS ASSOCIATION (FAPOFA) UNIT 11**

The City Council met in closed session at the hour of 7:05 p.m. to consider the above issues and adjourned thereafter.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 8:06 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 27<sup>th</sup> day of August, 2002.

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Henry Perea, Council President

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ATTEST: Yolanda Salazar, Assistant City Clerk

